

CHARLES BROOKS	§	
v.	§	CIVIL ACTION NO. 5:11cv154
TIMOTHY EVANS, ET AL.	§	

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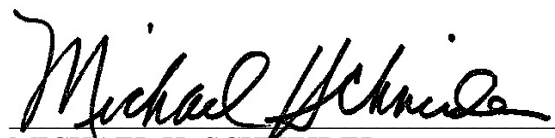
Brooks filed objections to the magistrate judge's Report contending the use of force was not reasonable and he is no longer barred by Heck because the habeas corpus petition he filed challenging the disciplinary case was dismissed. Brooks has not shown the disciplinary case has been expunged, overturned, or set aside; on the contrary, the dismissal of his habeas petition confirms that the disciplinary case is still valid, meaning the Heck bar remains in place. Wheeler v. Spivey, 135 Fed.Appx. 702, 2005 WL 1462591 (5th Cir., June 21, 2005) (dismissal pursuant to Heck upheld where plaintiff "has not provided evidence in support of his allegation that his disciplinary conviction has been overturned or declared invalid").

The Court has conducted a careful *de novo* review of the pleadings in this cause, the Report of the magistrate judge, and the Plaintiff's objections thereto. Upon such *de novo* review, the Court has determined the Report of the magistrate judge is correct and the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the magistrate judge (docket no. 63) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the Plaintiff's motion for permission to file a §1983 lawsuit (docket no. 60) and motion to reopen the case (docket no. 61) are hereby **DENIED**.

SIGNED this 23rd day of December, 2014.

A handwritten signature in black ink, reading "Michael H. Schneider", written over a horizontal line.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE